

**Remarks**

Applicant respectfully requests reconsideration of this application as amended. Claims 1-12 and 23 have been amended. No claims have been cancelled. Claim 24 has been added. Therefore, claims 1-24 are present for examination.

**35 U.S.C. §112 Rejection**

The Examiner has rejected claim 23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 has been amended to obviate this rejection.

**35 U.S.C. §101 Rejection**

The Examiner has rejected claims 1-12 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 6 and 9 have been amended to obviate this rejection. Claim 1, for example, is amended to recite a computer-implemented method and to identify a "transaction coordinator" as performing the recited operations.

**35 U.S.C. §102 Rejection*****Kanai***

The Examiner has rejected claims 1-23 under 35 U.S.C. §102 (e) as being anticipated by Kanai, U.S. Publication No. US 2001/0047313 ("Kanai"). Applicant submits that the Kanai reference is not prior art under 35 U.S.C. §102(e).

35 U.S.C. §102(e)(1) states that in order for a reference to be considered prior art, the reference must be "an application for patent, published under section 122(b), by another filed in the

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United States before the invention by the applicant for patent." (35 U.S.C. §102(e)(1); emphasis added). Kanai was filed in the United States on May 25, 2001. Applicant's invention was constructively reduced to practice on December 30, 2000.

35 U.S.C. §102(e)(2) states that in order for a reference to be considered prior art, the reference must be "a granted patent on an application for patent by another filed in the United States before the invention by the applicant for patent." (35 U.S.C. §102(e)(2)). Kanai is not a granted patent and it was not filed in the United States before Applicant's constructive reduction to practice.

35 U.S.C. §102(e)(2) further states that "except that an international application filed under the treaty . . . shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language." (35 U.S.C. §102(e)(2); emphasis added). An international application under the treaty means an application filed with the PCT. Kanai is a published U.S. patent application, not a PCT (international) application designating the United States.

Accordingly, Applicant respectfully submits that Kanai is not prior art, and therefore Applicant requests the rejection of claims 1-23 be withdrawn.

**Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

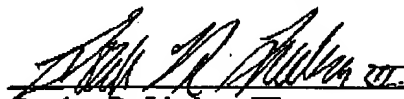
**Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: June 20, 2005

  
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